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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,142	08/20/2004	Hiroaki Kanisawa	Q83077	5903

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EXAMINER	
DEODHAR, OMKAR A	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/505,142	KANISAWA ET AL.	
	Examiner	Art Unit	
	OMKAR A. DEODHAR	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Final Rejection

Response to Arguments & Amendment

This is responsive to Applicant's claim amendments submitted 9/10/2008. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6 & 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Terase (US 7,257,547).

Claim 1, 8, 9:

Terase teaches an advertising system having a game playback device that provides a game screen in a display section of a user terminal installed on each of a plurality of tables in a store, (Abstract, a service managing system with order terminals enabling customers to view contents of service items & to order desired items. Figure 5, Step S7 – the food menu is interpreted as an advertisement. Step S8 - the terminal is a game machine.)

said advertising system comprising an identification information retrieval processing section configured to read an orderer identification code that identifies a user seated at one of the tables;

a seating information management section configured to manage seating information, said seating information including information in which a table code, that identifies a table and a user terminal, is associated with the orderer identification code of the user seated at the table;

(Figure 5, Step S6, the user & table are identified with codes facilitating the ordering process);

an image control device configured to control, using at least output information from said seating information management section, said game playback device so that said game playback device employs an advertising image that is an image for advertising a product or a service, as a character image used in said game screen.

(See Terase Col. 7. Lines 55-58, teaching a service management system advertising using character images on a screen. Terase explicitly states that by indicating menu items using characters, the menu is easily understood by children, already familiar with the popular character images.)

Claim 2:

Terase teaches an advertising system according to claim 1, further comprising: a playback control device that controls said game playback device so as to include an order detection device that detects said product or said service displayed in said game screen as said character image; and an order information receiving device that receives

order information related to the order of said product or said service detected by said order detection device. (As explained above, advertising images may be character images. Further, players purchase the products as shown in Figure 5, Step S10. This teaches placing an order & requires the claimed order detection.)

Claim 3:

Terase teaches an advertising system according to claim 1, comprising: an advertising image information database that stores advertising image information, which is information related to said product or said service including advertising image data which are electronic data of said advertising image (Figure 5, Step S7, customers select the desired menu from a plurality of menus. It is inherent that a database [memory device] stores the different menus).

an advertising image selection device that selects, using at least the output information from said seating information management section, said advertising image having a better advertising effectiveness from said advertising image information database, according to one or a plurality of information from among information related to a said store where a period of time, a date, a day of the week, and a time elapsed from a predetermined event related to the user is taken as a start time.

(After receiving the customer's menu selection, the system selects the desired menu & presents it to the customer. Col. 2. Lines 43-48 teaches periodically updating menus & commercials. Terase further teaches indicating recommended dishes on particular days. See Col. 7. Lines 49-50.)

Claim 6:

Terase teaches an advertising system according to claim 1, further comprising an image enlargement device that enlarges said advertising image and displays it on said display section. (It is inherent the physical size of displayed menu items can be modified).

Claim 10:

Terase teaches a group information input section configured to associate a plurality of orderer codes with a group ID that identifies a group with a separate account, wherein said advertising image selection device selects, using at least the output information from said seating information management section and input information that is input into said group information input section, said advertising image from said advertising image information database. (Terase teaches an embodiment wherein groups of customers use a common terminal to place orders & receive advertisements. A group of customers using one common terminal are identified as a group. See Col. 4. Lines 50-55. As explained in claim 1, upon requests for specific types of menus such as children's menus, the system displays a menu tailored to children.)

Claim 7 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Terase (US 7,257,547).

Claim 7:

Terase teaches the invention substantially as claimed, but does not explicitly disclose an advertising system wherein in a case where said user terminal has a sound emitting device that emits sound, said advertising image information additionally includes call information for calling information relating to said product or said service,

and further comprising a call control device that controls said sound emitting device to make reference to said call information included in said advertising image information from said advertising image information database, and call out information relating to the product or service.

In Col. Lines 30-35, Terase discloses broadcasting commercials. Terase further teaches that the user terminals allow users to watch TV programs. See Col. 17. Lines 43-45. This suggests that the user terminals also allow audio to accompany advertisements. Alternately, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to accompany advertisements with audio for the purpose of more effective advertising.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terase (US 7,257,547) in view of Dubno (US 4,722,053).

Claims 4 & 5:

Terase teaches the invention substantially as claimed, but does not teach:

a score computing device, which computes a score by carrying out predetermined calculations according to a course of a game;

a score information database which sorts past scores in descending order and assigns ranks to them, and associates and stores top scores that are ranked above a predetermined rank with scorer information, which is information related to the users who played the game and gained the top scores;

a scorer information retrieval device which retrieves said scorer information when a computed score, which is a score that said score computing device computes, is greater than said top score referenced from said score information database; and a database update device which stores said computed score associated with retrieved scorer information, as a new top score in said score information database; and

a score information display device which associates said top scores and said scorer information referenced from said score information database and displays them on said display section.

In a related invention, Dubno teaches a similar game terminal displaying food items (See Dubno, Abstract.) Dubno further teaches calculating/ranking game scores & displaying high scores & player names on a display screen (See Dubno, Figure 3, Items

122/123). It is inherent that a database or memory is used to store the high scores. Further, when higher scores are attained, they replace the previous top scores.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to calculate, rank & display high game scores as taught by Dubno in Terase's system for the purpose of informing patrons of high scorers & adding to the entertainment of the system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/
Primary Examiner
AU 3714